

July 21, 1966

MEMORANDUM

TO: Boston Redevelopment Authority
FROM: Edward J. Logue, Development Administrator
SUBJECT: Zoning Referrals

I. ZONING COMMISSION

Re: Map Amendment Application No. 33
The Lynn Corporation by
Thomas Wheeler, President
1700 River Street, Hyde Park

Petitioner seeks to change mill pond area of approximately 12 acres, bounded by River Street, Readville Street and Knight Street, immediately southeast of Kelly Field in Readville, Hyde Park, from single and two-family zones to a general business zone for the purpose of building a shopping center, containing a supermarket, department stores, etc. Area is being filled in and it is planned to install a culvert at petitioner's expense. Area is adjacent to a manufacturing zone now containing Westinghouse Electric and a wool warehouse. Petitioner claims area is not an attractive location for housing because of adjacent manufacturing and also because it is not economically feasible for residential use because of cost of improving the land - fill, \$100,000 and culvert, \$100,000. Nearest shopping centers, one being constructed at corner of Washington Street and V.F.W. Highway in Dedham, Washington Street at Stony Brook in West Roxbury, American Legion Highway, are two to three miles away. It appears to be a good location for a shopping center.

Planning Division recommends disapproval only because general land use plan shows area to be developed as part of open space system linking the Stony Brook Reservation with Mother Brook and the Neponset River. However, there is no further documentation on this in the General Plan Report. There is no over-all plan showing the laying out of Mother Brook as a park area. It is merely a possibility that may never be carried out and indeed the addition of 12 more acres to the 860 Stony Brook and G. Wright Golf Course Reservation is questionable.

VOTED: That in connection with Map Amendment Application No. 33 brought by the Lynn Corporation concerning property at 1700 River Street, Hyde Park, to change mill pond area of approximately 12 acres, bounded by River Street, Readville Street and Knight Street in Readville from a single family and two-family zone to a general business zone, for the purpose of building a shopping center, the Boston Redevelopment Authority is of the opinion that a general business use, such as a shopping center is an appropriate use for this large tract of land which will require costly improvements such as filling and construction of

a large culvert, before it can be placed in use. Because of its close proximity to manufacturing uses, it does not appear to be an attractive location for residential development and further, in addition to the unusual land improvements, the obvious economics of modern costs of residential construction and financing, make it very improbable that this property will be developed for residential purposes. The land is desirable for business use and there is an increasing need for large tracts of land for this type of development, not only to replace business and light manufacturing zoned areas that have been recently taken out of use for apartment and other construction but also to replace sites that will be eliminated by pending expressway construction.

Re: Map Amendment Application No. 34
George Badoian by James Langan
540 Corey & 1301 LaGrange St.,
West Roxbury

Petitioner seeks to change a vacant area, comprised of 131,000 sq. ft., lying between two streets and two cemeteries and the Newton City line, from an S-.3 (Single Family, Floor Area Ratio of 0.3) zone to an H-4 (Apartment, Floor Area Ratio of 4) zone for the purpose of building a high rise apartment building. Part of this land, immediately adjacent to the Newton city line has recently been occupied as an Edison Electric transformer station. The remaining 80,000 sq. ft. is the site for the proposed apartment building, which developer envisions as a small scale Jamaica Towers as built on Jamaicaway. The immediate location does not seem to be appropriate for a high rise building. However, there has been considerable three-story apartment building, some 400 units, just off LaGrange Street, beginning within 600 feet of this area. Nevertheless, for several reasons stated below it appears doubtful that this tract will be developed for single or low density use. Recommend approval but limiting density to three rather than four.

VOTED: The Boston Redevelopment Authority recognizes that this tract of land is a problem area as far as residential development is concerned. It does not appear that the present zoning for single family is desirable because of an abrupt drop of thirty feet or more on the Corey Street side, its small relative size, its being sandwiched in between two cemeteries and a transformer station and its isolation from other residential development. Because of these factors and also that the closest development on the Boston side is for three-story apartments (400 units) it appears that apartment use is warranted and because of the uneven topography should not be limited to three stories. Providing

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there is no objection by the cemetery trustees,
the Authority feels that an H-zone is warranted
but that in this location, it should be limited
to a Floor Area Ratio of 3.

II. BOARD OF APPEAL REFERRALS

Re: Petition No. Z-547
Joseph N. & Mary F. O'Donnell
172 M Street (rear), South Boston

A variance is sought from an order issued by the Building Commissioner to cease the operation of automobile repair in a garage in an apartment (H-1) district. Physical inspection reveals a two-story frame structure in a rear yard used by the occupants of 170 and 172 M. Street. The proposed use with its accompanying activity would constitute a serious hazard to this highly populated residential area. Recommend denial.

VOTED: That in connection with Petition No. Z-547 brought by Joseph N. & Mary F. O'Donnell, 172 M Street, South Boston, for variance from an order of the Building Commissioner to cease automobile repair in a garage in an apartment district, the Boston Redevelopment Authority is opposed to the granting of the variance. The use with its accompanying activity would be a serious hazard in this densely populated area and violate the spirit and intent of the code.

Re: Petition No. Z-548
W & E Realty Trust (lessor)
Joseph Pollack Corp. (lessee)
29-41 Beach St. & 179-199 Freeport St.
Dorchester

A conditional use permit is sought for a parking lot in a residential (R-.5) district. The lot, with provisions for 70 cars, will be used by the employees of the Pollack Corp., who are presently parking on Beach and Freeport Streets. As this is an attempt to relieve crowded conditions in the neighborhood, the zoning and transportation staffs are in favor of the use.

VOTED: That in connection with Petition No. Z-548 brought by W & E Realty Trust (lessor) and Joseph Pollack Corp. (Lessee) 29-41 Beach Street and 179-199 Freeport Street, Dorchester, seeking a conditional permit for a parking lot in a residential district but which adjoins a manufacturing zone, the Boston Redevelopment Authority has no objection to the granting of the permit. The request to allow parking lot for use of employees and customers will help to relieve crowded traffic conditions in the area.

Re: Petition No. Z-549
Vito Venuti
138 Waldemar Ave., East Boston

A variance of rear yards less than required is sought to erect a one-family frame dwelling in a single family (S-.5) district. A 40 foot rear yard is required and 26 feet supplied. The lots on either side are also non-conforming in this respect. There will be no garage in the rear yard. All other requirements of the code have been met and approval is recommended.

VOTED: That in connection with Petition No. Z-549 brought by Vito Venuti, 138 Waldemar Avenue, East Boston, for a variance of rear yard less than required to erect a one-family dwelling in a single family district, the Boston Redevelopment Authority has no objection to the granting of the variance. The topography of the land makes it difficult for this requirement to be met; the deficiency is minimal and will have no adverse affect on the area.

Re: Petition No. Z-550
Malcolm Bowie
109 Highland St., Hyde Park

Variances of excessive floor area ratio, side and rear yards less than required and extension of an existing two-family house, which is a non-conforming use, are sought to erect a two-story addition in a single family (S-.3) district. The addition will replace an existing dilapidated addition at rear of building. There will be nothing to interfere with light and air to any of the abutters. The addition is needed to provide two new bedrooms. Recommend the variances be granted.

VOTED: That in connection with Petition No. Z-550 brought by Michael Bowie, 109 Highland St., Hyde Park, for four variances to extend a non-conforming use by replacing a two-story addition in a single family district, the Boston Redevelopment Authority has no objection to the granting of the variances. The addition will not be detrimental to the immediate neighborhood and will not deprive abutters of necessary light and air.

Re: Petition No. Z-551
Edward Grogan
740 E. Seventh St., 160 N. St.,
741-745 E. Sixth St., South Boston

A conditional use permit to convert a dwelling for more families where the converted structure will not meet all requirements is sought to change occupancy from 42 apartments and light manufacturing to 104 apartments and two retail stores in an apartment (H-1) district and a local business (L-1) district. To qualify as a conditional use, $\frac{1}{2}$ the code requirements for off-street parking and usable open space must be met. Cars cannot be parked as shown on the plan since there is completely inadequate maneuvering room. Space essential for maneuvering has been used to compute usable open space. Thus, neither requirement is met. Perusal of the plan shows that while $\frac{1}{2}$ the code requirement for either parking or open space could easily be met, it appears impossible to meet $\frac{1}{2}$ the requirements for both. This should be, therefore, an application for variances. If the required open space were provided, off-street parking would be insufficient and add to the congested nature of the area. Sufficient parking would require insufficient open space in an area already densely populated. As the already lenient provisions of the code with regard to converted structures could be met by an insubstantial cut in the number of apartments to be provided. Denial of this application is recommended.

VOTED: That in connection with Petition No. Z-551 brought by Edward Grogan, 740 E. Seventh Street, 160 N. and 741-745 E. Sixth Streets, South Boston, for a conditional use permit to change occupancy from 42 apartments and light manufacturing to 104 apartments and two retail stores in an apartment district and a local business district, the Boston Redevelopment Authority is opposed to the granting of the permit. Such a conditional use must meet at least $\frac{1}{2}$ the code requirements for off-street parking and usable open space. Cars cannot be parked as shown because of inadequate maneuvering room. Aisles should be 24 feet, not 10 feet. Space essential for maneuvering has been used to compute usable open space. As neither requirement has been met, this should be a variance application. Were required open space provided, off-street parking would be insufficient and add to the congested nature of the area. Sufficient parking would require insufficient open space in an area already densely populated. There is no substantial hardship. The lenient code provisions with regard to converted structures could easily be met by a small reduction in the number of apartments to be provided.

Re; Petition No. Z-552
Merit Realty Trust
1575 Commonwealth Ave., Boston

Six variances are sought to change occupancy from retail store and twelve apartments to six apartments, three offices and retail store in a local business (L-1) district. Earlier this year, appellant was denied a petition to erect a three-story 16 unit structure. This petition is to amend plans to above change and reduce height to two stories. The proposed use would be squeezed into the remainder of an overcrowded lot. The overcrowding is apparent when the lot can normally supply only three dwelling units. The Transportation-Engineering Department recommends the variances be denied. Any amount of parking less than the required (9 spaces) would increase traffic congestion already prevailing in the neighborhood. Recommend denial.

VOTED: That in connection with Petition No. Z-552 brought by Merit Realty Trust, 1575 Commonwealth Avenue, Boston, for six variances to change occupancy from retail store and twelve apartments to six apartments, three offices and retail stores in a local business district, the Boston Redevelopment Authority is opposed to the granting of the variances. Overcrowding is apparent when the lot can normally support only three dwelling units. The proposed use is then a flagrant violation of the code. The area is one already experiencing traffic congestion and to allow parking in the street will be injurious to the neighborhood and detrimental to the public welfare. Petitioner previously was denied a similar plan as regards increased density and there is no apparent reason for changing this decision.

Re: Petition No. Z-553
Donald G & Peggy Marquis
101 Revere Street, Boston

Variances of usable open space less than required and off-street parking less than required are sought to change occupancy from two to three families in an apartment district (H-2-65). The appellant states the locus has been used as a three family dwelling for approximately the last seven years and was sold to them as such. The Transportation-Engineering Department anticipates no traffic problem from the use and approval is recommended.

VOTED: That in connection with Petition No. Z-553 brought by Donald G & Peggy Marquis, 101 Revere St., Boston, for two variances to change occupancy from two to three families in an apartment district, the Boston

Redevelopment Authority has no objection to the granting of the variances. The dwelling has been used as a three-family for the past seven years, has facilities for such, and the change will not affect the general flow of traffic.

Re: Petition No. Z-554
Daniels Realty Co.
108 Myrtle St., Boston

Variances of insufficient usable open space and off-street parking not supplied are sought to change occupancy from 13 to 20 apartments in an apartment (H-2-65) district. The building was originally erected for 20 apartments in 1897. The petitioner states that through the years the number of apartments was reduced without significant structural alterations. It is now proposed to return the building to its initial occupancy with only minor changes in plumbing. The Transportation-Engineering Department anticipates no traffic problem. Recommend the variances be granted.

VOTED: That in connection with Petition No. Z-554 brought by Daniels Realty Co., 108 Myrtle Street, Boston, for variances of insufficient usable open space and off-street parking not supplied to change occupancy from 13 to 20 apartments in an apartment district, the Boston Redevelopment Authority has no objection to the granting of the variances. The building is being returned to its original occupancy with only minor plumbing alterations and no further aggravation of the traffic problem is anticipated by this change.

Re: Petition Nos. Z-555 & Z-556
85 Sutherland Realty Trust
85 & 95 Sutherland Rd., Brighton

Variances of lot area per additional dwelling unit less than required, excessive floor area ratio, usable open space and front yard less than required, are sought to subdivide lot and variance of front yard less than required to erect a three-story, 16 unit apartment building in an apartment (H-1) district. A three-story, 32 apartment building presently exists at #85. It is proposed to take 3782 square feet of elevated land from this lot to add to the adjacent irregular ledged lot at #95. The new dwelling will be erected at #95, replacing an outmoded two-story frame dormitory. Approximately 11 of the 20 foot front yard will be supplied. The area is predominantly multi-family. Recommend approval.

VOTED: That in connection with Petition Nos. Z-555 & Z-556 brought by 85 Sutherland Realty Trust, 85 & 95 Sutherland Road, Brighton, for four dimensional variances to subdivide lot and variance of front yard less than required to erect a three-story, 16 unit apartment building in an apartment district, the Boston Redevelopment Authority has no objection to the granting of the variances. The land to be added to the lot at #95 is elevated and ledged. The area is predominantly multi-family. The subdivision would be compatible with the area generally and the new dwelling will be more beneficial than the former use.

Re: Petition No. Z-557
Hyde Park Convalescent Homes, Inc.
113 Central Avenue, Hyde Park

Extension of a non-conforming use and variances of lot size and rear yard less than required and off-street parking not sufficient are sought to erect a two-story and basement addition in a single family (S-5) district. The extension will be used as a solarium on the first and second floors, providing more space for recreation, occupational and physiotherapy. The resident capacity will not be increased. The Transportation-Engineering Department approves on the condition that the foregoing is observed.

VOTED: That in connection with Petition No. Z-557 brought by Hyde Park Convalescent Homes, Inc., 113 Central Avenue, Hyde park, for extension of a non-conforming use and three variances to erect a two-story and basement addition in a single family district, the Boston Redevelopment Authority has no objection to the granting of the variances provided the resident capacity is not increased. The addition, to be used as a solarium, will provide needed space for recreation, occupational and physiotherapy.

Re: Petition No. Z-558
Commercial Inland Property, Inc.
81-85 Atlantic Ave. & 177-79
Commercial St., Boston

A conditional use permit and two variances, excessive floor area ratio and off-street parking insufficient are sought to change occupancy from warehouse, manufacturing and cafe to 48 apartments, stores, restaurant and garage in a

light manufacturing (M-2) district. The Waterfront Project staff in recommending approval states that a plan has been agreed upon for the rehabilitation of this property and that under the full implementation of the waterfront plan, it is expected that the overall parking problem for the area can be resolved. The Transportation-Engineering Department has no objection and approval is recommended.

VOTED: That in connection with Petition No. Z-558 brought by Commercial Inland Property, Inc., 81-85 Atlantic Avenue and 177-179 Commercial Street, Boston, for conditional permit and two variances to change occupancy from warehouse, manufacturing and cafe to 48 apartments, stores, restaurant and garage in a light manufacturing district, the Boston Redevelopment Authority is not opposed to the granting of the variances. The proposed use meets the requirements of the Waterfront Renewal Plan and the overall parking problem will be resolved under the full implementation of the aforementioned waterfront plan.

Re: Petition No. Z-559
Julius Kardon
4321 Washington St., Roslindale

A forbidden use, an extension of a non-conforming use and four dimensional variances which presently exist, are sought to change occupancy from three-family dwelling and real estate office in a residential (R-.5) district. The appellant is forced to relocate and is situated only two buildings from a local business (L-.5) zone. The staff is not opposed to the use but feels there should be no projected advertising. Approval is recommended on this condition.

VOTED: That in connection with Petition No. Z-559 brought by Julius Kardon, 4321 Washington Street, Roslindale, for a forbidden use, extension of a non-conforming use and four existing dimensional variances to change occupancy from three-family dwelling to three family and real estate office, the Boston Redevelopment Authority has no objection to the granting of the variances provided there will not be any projected advertising. The locus is just two buildings from a local business zone and the use will not adversely affect the immediate area.

Re: Petition No. Z-560
Helen Stagman
118 Lorna Road, Dorchester

A forbidden use and variance for front yard less than required is sought to change occupancy from two-family dwelling to two-family and beauty shop in a residential (R-.5) district. This dwelling is located in the middle of a well kept residential neighborhood and the use would be incompatible to the immediate area. Recommend denial.

VOTED: That in connection with Petition No. Z-560 brought by Helen Stagman, 118 Lorna Road, Dorchester, for a forbidden use and variance of front yard less than required, to change occupancy from two-family dwelling to two-family and beauty shop in a residential district, the Boston Redevelopment Authority objects to the granting of the variances. The use would tend to disrupt the seclusion of the neighbors, the quiet of the neighborhood and further is incompatible to the immediate area.

Re: Petition No. Z-561
Northeastern University
65 Forsyth Street, Boston

Variances of front yard and setback insufficient and location of parking which which requires Board of Appeal approval are sought to erect a three-story concrete building in an apartment (H-2) district. The structure will be used for the teaching and training of physical educational instructors. The Fenway Project Director reports no objection to these variances. The Transportation-Engineering Department in reporting opposition, states, "The University is suffering from a parking shortage now and some existing parking spaces would be lost on the building site." The zoning staff concurs with the Fenway Project Director and recommends approval. Forty-two spaces will be supplied within 1200 feet of the lot as required by the code and needing only the approval of the Board of Appeal.

Optional case

VOTED: That in connection with Petition No. Z-561 brought by Northeastern University, 65 Forsyth Street, Boston for three variances to erect a three-story concrete building in an apartment district, the Boston Redevelopment Authority has no objection to the granting of the variances. The building will be used for the teaching and training of physical education instructors and is part of the overall Fenway Urban Renewal Plan.

Re: Petition No. Z-562
Commercial Inland Property Corp.
205 Commercial St., Boston

A conditional use permit and variance for off-street parking are sought to change occupancy from warehouse to ten apartments, restaurant and stores in a light manufacturing (M-2) district. The Waterfront Project staff is not opposed to the use. The Transportation-Engineering Department is opposed because, "No parking spaces at all will be provided on this property. Neither the developer nor the project staff have shown to T-ED studies which indicate how the parking problem will be resolved." However, the zoning staff concurs with the project director that the parking problem for the area will be resolved by implementation of the development in the area and approval is recommended.

VOTED: That in connection with Petition No. Z-562 brought by Commercial Inland Property Corp., 205 Commercial Street, Boston, for a conditional use permit and variance of off-street parking to change occupancy from warehouse to ten apartments, restaurant and stores in a light manufacturing (M-2) district, the Boston Redevelopment Authority has no objection to the granting of the variances. The use, which will be beneficial to the area is part of the overall development of the waterfront.

Re: Petition No. Z-563
Catherine T. Michel
76 Bradlee Street, Hyde Park

A variance for side yard less than required is sought to erect a one-story addition at the rear of existing dwelling in a single family (S-.5) district. The violation of five feet is existing and the addition with a similar deficiency will not in any way be injurious to the abutters. The extension will provide necessary bedroom space. Approval is recommended.

Optional case

VOTED: That in connection with Petition No. Z-563, brought by Catherine T. Michel, 76 Bradlee Street, Hyde Park, for a variance of side yard less than required to erect a one-story addition in a single family district, the Boston Redevelopment Authority has no objections to the granting of the variance. The side yard deficiency has existed for many years and the use will not adversely

affect the abutters nor deprive them of necessary light and air.

Re: Petition No. Z-564
Harry M. & Despina T. Angelus
38 Fairfield St., Boston

Four variances, front and rear yards less than required, corner cut-off not supplied and parking less than required, are sought to change occupancy from lodging house to seven apartments and real estate office in a general business (B-4) district. Four parking spaces are required and none provided. The Back Bay Project staff is not opposed to the use but would require the necessary parking be provided and recommends denial on this point.

Optional case

VOTED: That in connection with Petition No. Z-564 brought by Harry M. and Despina T. Angelus, 38 Fairfield Street, Boston, for four variances to change occupancy from lodging house to seven apartments and real estate office in a general business district, the Boston Redevelopment Authority objects to the granting of the variances because an increase in occupancy will further aggravate the existing congestion and serious traffic problem.

Re: Petition No. Z-565
Anthony Principe & Associates
745 Truman Highway, Hyde Park

Open space variances, lack of off-street parking and excessive floor area ratio are sought to allow construction of a nursing home in a single family (S-.5) district. On a previous petition to allow a 107 bed home, the Authority reported in the negative and the Board of Appeal approved. The appellant now wants to increase the resident capacity to 120 and allow parking in the front yard. A petition for seven variances of a major nature show that the proposed use is not appropriate to the locus. The surrounding area is predominantly single family dwellings. Section 7-3 of the zoning code states, "that a variance can only be granted after certain conditions have been met." The staff believes that none of the conditions set forth in the code, such as narrowness or shallowness of lot or unusual topographic situation are present on the land that would deprive the appellant of the reasonable use of the land. The character and use of the adjoining lots and those in the neighborhood are not compatible with the proposed use. The use would require more off-street parking facilities than allowed uses and there are no conditions affecting the parcel which would justify permitting its development without making provisions for parking which would not affect the zoning district generally. Recommend disapproval.

VOTED: That in connection with Petition No. Z-565 brought by Anthony Principe & Associates for variances to allow construction of a nursing home, increasing the resident capacity to 120, in a single family district, with open space violations and excessive floor area ratio plus deficient off-street parking, the Boston Redevelopment Authority opposes the granting of the variances. A petition for seven variances of a major nature shows that the proposed use is not appropriate to the locus. Section 7-3 of the zoning code states that a variance can only be granted after certain conditions have been met. The Boston Redevelopment Authority believes that none of the conditions set forth in the code such as narrowness or shallowness of the lot or unusual topographical conditions are present on the land that would deprive the appellant of reasonable use of the land. The proposed use will require more off-street parking facilities than uses allowed in the district and there are no conditions affecting the parcel which would justify permitting its development without making provisions for parking which would not affect the zoning district generally. The Authority opposed a previous petition with a resident capacity of 107.

Re: Petition No. Z-566
Theta Xi Housing Corp.
64 Bay State Rd., Boston

A conditional use permit for a fraternity house and a variance for insufficient off-street parking are sought to change occupancy from a one-family dwelling to a fraternity house in an apartment (H-4) district. The building is next door to one which has been used by the fraternity for almost forty years. The area is one already inhabited by many students. The shortage of two parking spaces does not seem serious enough to warrant prevention of this normal expansion of the fraternity. Recommend no objection.

VOTED: That in connection with Petition No. Z-566 brought by Theta Xi Housing Corporation for a conditional use permit and an off-street parking variance to change occupancy from a single family dwelling to a fraternity house in an apartment district, the Boston Redevelopment Authority has no objection. The building is in an area largely occupied by students and right next to a building occupied by the fraternity for almost forty years. The parking

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of two cars
deficiency/does not seem large enough to warrant
prevention of this norman expansion of the fra-
ternity.

